FOR MYSORE STATE

(1953) Department

G.O. NO. 655

Dated 5 3 1953.

[Despatch Abstract.]

Public Servants ~~South Kanara~~
Balakrishnan Nair Sri K. Transfer
as Rent Settlement Tahsildar Thirtha.
Period of transit Treatment ~~of~~ as duty
grant of travelling allowance. Orders ~~f~~

REVENUE DEPARTMENT.

BALAKRISHNAN NAIR (Sri) K.C.--Rent-Settlement Deputy Tahsildar--Kanhangad (South Kanara)--Transfer to Thirthala (Malabar) as Rent-Settlement Tahsildar under the Malabar Tenancy Act--Treatment of transit period.

Madras. Ref.D. 10503/52-1. Dated 28-1-1953.

Sri W.R.S.Sattianathan, I.C.S.,
Commissioner of Land Revenues.

Sri A.F. Mascarenhas, I.A.S.,
Secretary, Board of Revenue.

Read: From the Collector of South Kanara, No.22379/52-4 d/5-11-52.

REFERENCE:

Submitted to the Government for

2. As joining time cannot precede leave, the period from 3-8-1952 to 13-8-52 (both days inclusive) cannot be treated as such. As the Deputy Tahsildar proceeded from Kanhangad to Chowghat on the orders of the Rent-Settlement Officer, Malabar; he is eligible for Travelling Allowance for the journey. If the period from 3-8-1952 to 13-8-52 is treated as leave, the Deputy Tahsildar cannot be allowed to draw Travelling Allowance for the journey, as he was not aware of the fact that the post of Rent-Settlement Tahsildar, Thirthala to which he was pxx posted would be disbanded with effect from 13-8-52; till he approached the Rent-Settlement Authority Chowghat on 14-8-52 forenoon it is only fair to allow him Travelling Allowance for the journey. The Board therefore considers that the period from 3-8-52 to 13-8-52 (both days inclusive) has to be treated as duty and requests orders accordingly.

for Secretary.

To the Secretary to Government, Revenue Department, Madras

nedr.28-1.

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Copy of letter Ref.C No.A2.22379/52-4 dated 5-11-1952 from the Collector of South Kanara addressed to the Secretary, Board of Revenue, Madras.

Sub: As above.
Ref: From Sri K.C.Balakrishnan Nair, Dy. Tahsildar on leave petition dated 3-8-52 and 27-8-52.
Proceedings of the Rent Settlement Officer, Malabar Ref.A. 27/52 dated 14-7-52
Post copy dated 12-8-52 of the telegram from the Rent Settlement Officer, Malabar.
From the Rent Settlement Authority Chowghat Ref.812/52/A dated 14-8-52.
South Kanara Collector's Proceedings Ref. 21420/52/A2 dated 14-8-52.
-do-
-do- L.Dis. 21699/52 dated 25-8-52.

Sri K.C. Balakrishnan Nair, formerly R.& D.T.Kanhangad was posted as R.S.Tahsildar Thrithala in the proceedings of the Rent Settlement Officer Malabar cited 2 second above. He was relieved from the post of the Rent Settlement Dy. Tahsildar Kanhangad on 3-8-52 F.N. In the meantime the Government ordered the disbandment of the Rent Settlement staff and the Rent Settlement Officer Malabar issued a telegram to the Rent Settlement Authority, Kanhangad to inform Sri K.C.B.Nair & not to join at Thrithala but to approach the Collecto

approach Collector South Kanara for posting. A post copy dated 12-8-52 of the telegram was also sent to the Collector, South Kanara intimating that Sri K.C.B.Nair would be deemed to have been reverted to the South Kanara District Revenue Department with effect from 8-8-52 and that he may be given a posting. Accordingly he was posted under Reception Dy. Tahsildar, Mangalore, in my proceedings cited fifth above. Subsequently this posting was modified by posting him as Election Dy. Tahsildar Puttur in my proceedings cited sixth above. Sri K.C.B. Nair did not join duty but applied for leave for one month.

As the Rent Settlement Officer, Malabar intimated that Sri K.C.B.Nair would be deemed to have been reverted to Revenue Department with effect from 8-8-52 and as he was to be considered as on transit, subsidiary rule 8 under FR 106 was applied and the period that elapsed from 8-8-52, viz. upto the date on which he handed over charge of the old post was included in the leave and he was granted earned leave for 30 days with effect from 8-8-52 in my proceedings cited 7th above. Sri KC.B.Nair on the expiry of leave has joined duty as Election Dy. Tahsildar, Puttur on 15-9-52 F.N.

The Revenue Divisional Officer, Puttur (Sri S.U.P.Nayak) who was the Rent Settlement Authority, Kanhangad at that time, informs me that the telegram of the Rent Settlement Officer, Malabar was received by him on 12-8-52 at 3.40 P.M. and this telegram could not be communicated to Sri K.C.B.Nair as he had already left for Malabar on the night of 11-8-52. When Sri K.C.B.Nair gave his joining report on 14-8-52 F.N. the Rent Settlement Authority, Chowghat informed Sri K.C.B.Nair that he cannot join duty in his jurisdiction with effect from 13-8-52. Sri K.C.B.Nair has now put in a petition stating that he had the intimation of the direction not to proceed to Thirthalam and that he had actually travelled to Thirthalam before 12-8-52. Hence he wants the period from 8-8-52 to 13-8-52 to be treated as transit to join the post of Rent Settlement Tahsildar Thirthalam and requests that the leave be granted with effect from 14-8-52.

I enclose copies of the reference cited for favour of Board's reference. The request of Sri K.C.B.Nair is reasonable. I, therefore, recommend that the Board may be pleased to grant the request of the petitioner and pass early orders in the matter.

/True Copy/

Secretary.

1491 G1/53)

DRAFT FOR APPROVAL

	Date.	Initials.
When received for fair copying ..		
When typed ..		
When examined ..		
When signed ..		
When despatched.		

SUBJECT :—

READ AGAIN ....., dated ..... 19.....

" " ..... " ..... 19.....

READ: ~~ALSO~~ :—

~~No.~~ ..... From the Bd. of Rev., Ref., No. A.10503/52-1 dated 28.1.1953.

" ..... " ..... " ..... " ..... 19.....

" ..... " ..... " ..... " ..... 19.....

~~Order Resolution~~ Ms. ~~Rout.~~ No. 655, dated 5-3-53 19.....

Gp 1-2 C F

In the circumstances reported, the Govt. direct that the period from 8.8.1952 to 13.8.1952 (both days inclusive) during which Sri K. C. Balakrishnan Nair was in transit to join the post of Rent Settlement Tahsildar, Thirthala, be treated as duty under F. R. 9(6)(b), and that the travelling allowance admissible under the rules be allowed to him.

× to 8 of Rule 152 under F. R. vide Govt. Note on page 2 N.

2/3/53.

To the Bd. of Rev. (dR)

Copy to the A. G. (with Copy of pages 1-2 C.F.) through Fin. Dept.

Copy to the Fin. Dept.

Sec. - 3

7.5.53

GOVERNMENT OF MADRAS

ABSTRACT

Public Servants - (South Kanara) - Balakrishnan Nair, Sri K.C. - Transfer as Rent Settlement Tahsildar, Thiathala - Period of transit Treatment as duty and grant of travelling allowance - Orders - passed.

Revenue Department

G.O.Ms.No.655 Dated 5th March 1953.

Read the following:-

From the Board of Reven Ref.No.D.10503/52-1, dated 28-1-53.

O R D E R:

In the circumstances reported, the Government direct that the period from 8-8-1952 to 13-8-1952 (both days inclusive) during which ~~xxxxx~~ Sri K.C. Balakrishnan Nair, was in transit to join the post of Rent Settlement Tahsildar, Thiathala, be treated as duty under Fundamental Rule 9(8)(b), and that the travelling allowance admissible under the rules be allowed to him.

(By order of the Governor)

S.K. CHETTUR,
Secretary to Government.

To
The Board of Revenue (L.R.).
The Accountant General, M(with a copy of Board's letter cited) through Finance Department.
The Finance Department.

Forwarded/By order

Superintendent.

Kvnr/6.3

Public Servants - (South Kanara) - Balakrishnan Nair, Sri K.C. - Transfer to Malabar as Rent Settlement Tahsildar - Period of Travel treatment as duty and grant of T.A.

From the Bd. of R Mg. No. D. 18503/52-1 dated 28 & 11.52.

Please see the Bd's reference in the C.F.

According to Subsidiary rule 8 to F.R. 106 a Govt. Servant takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post must be included in his leave, unless the leave is taken on medical certificate. Rule 69 (a) of the M.T.A. Rules provides for the drawal of T.A. by a Govt. Servant who is entitled to pay during the period occupied by the journey. In this case, as Sri Balakrishnan Nair has been deemed to be on leave from 8.8.52, the date on which he handed over charge, and was in receipt of only leave salary from that date, the Bd has held that he is not entitled to draw T.A. for the journey performed by him. The Bd. has requested that the period occupied by the journey may be treated as duty, only for the purpose of allowing him the t.a. admissible to him. As the Tahsildar actually performed the journey to join his new post of Rent Settlement Tahsildar, Thirthala in good faith and thereby incurred the expenditure for the journey, it seems reasonable to allow the t.a. admissible to him. but for going on leave.
It does not, however, appear necessary to treat the period as duty for the purpose as requested by the Bd. Fin. may see for remarks

Rajagopalan
14/2/53

14/2/53

The TA. must ordinarily be paid to him. As Sri Balakrishnan Nair went to Thirthala because he was ordered to do so and in order to join duty, there seems to be no objection to treating the period as "duty".

16/2

Please see the notes of Revenue Deptt on page 1 above. In the special circumstances of the case, Finance may agree to treat the period of transit as duty under FR. 9 (b) (b) and allow him the T.A. admissible under the rules as proposed by the Revenue at the bottom of page.

23/3/53

24/3/53

Rev. Dept

Rev
file no 13842 GSA-1
24/3/53

To US

Notes from page 1 ante may be read. A draft order is submitted for approval

2/3/53

2/3/53

3/3